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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,740	07/21/2003	David S. Benco	LUTZ 2 00218	7174
7590 Richard J. Minnich Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			EXAMINER LE, KAREN L	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 07/16/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,740

Applicant(s)

BENCO ET AL.

Examiner

KAREN L. LE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/24/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 24, 2009 has been entered. Claims 1, 19, 23 and 30 have been amended. No claims have been cancelled. No claims have been added. Claims 1-30 are still pending in this application, with claims 1, 19, 23 and 30 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 rejected under 35 U.S.C. 103(a) as being unpatentable over
Henrikson et al (US 2003/0053612) in view of Fitser et al. (5,631,904).

3. Regarding claim 1, Henrikson teaches a method and system operative to facilitate the establishment of a conference call, the method comprising:

receiving a conference scheduling call from a conference call originator (Fig. 2, item 202, Para 0022),

receiving identification information regarding desired conference call participants from the conference call originator in the received conference scheduling call (Fig. 2, item 202, Para 0022),

receiving conference call parameter information from the conference call originator in the received conference scheduling call (Fig. 2, item 202, Para 0022),

sending invitations to the desired conference participants based on the identification information, the invitations including response requests (Fig. 2, item 210, paras 0026, 0027),

wherein sending invitations comprises at least one of: sending synthesized voice announcements to user equipment of the desired participants, sending a menu of proposed conference times, sending a request for an alternative conference time proposal and sending a request that proposed conference times be ranked according to preference (see response to argument).

receiving responses from responding desired participants; attempting to schedule the conference call based on the received responses; notifying conference participants of the scheduled conference call time if the attempt to schedule the conference call is successful (Fig. 2, item 214, paras 0028),

attempting to placing calls to all the conference participants at or about the scheduled conference call time, and, interconnecting successfully completed calls (Fig. 4, item 416, paras 0034).

Henrikson does not teach the identification information includes a group name regarding the desired conference participants. However, Fitser teaches the identification information includes a group name regarding the desired conference participants (see Fig. 3, item Obtain group identifier, Fig. 4 item 56, Col. 3, lines 63- Col. 4, lines 1-4, 43-56). Fitser teaches a subscriber accesses a platform and directs equipment within the communications network to initiate a conference call to a predetermined list of participants stored in a database within the network. A "group identifier" is provided to uniquely identify each list of participants. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Fitser's feature into Henrikson's system in order to provide identification information including a group name regarding the desired conference participants. Identification information including a group name in conference call is extremely old and well known in the telecommunication arts.

Regarding claim 2, Henrikson further teaches comprising: notifying the conference originator if the attempt to schedule the conference call is not successful (Fig.2, item 208).

Regarding claim 3, Henrikson further teaches comprising: receiving a conference editing call from the conference call originator, and, receiving changes to at least one of identification information regarding the participants of the conference call and conference parameter information during the conference editing call (Para 0027).

Regarding claim 4, Henrikson further teaches comprising:
sending reminder messages to the conference participants prior to the
scheduled conference call time (Fig. 4, item 408).

Regarding claim 5, Henrikson further teaches wherein receiving identification
information regarding desired conference call participants comprises:
receiving directory numbers regarding the desired conference participants (Para 0022).

Regarding claim 6, Henrikson further teaches wherein receiving identification
information regarding desired conference call participants comprises:
receiving names regarding the desired conference participants (Para 0022).

Regarding claim 7, Henrikson does not teach storing the group name in
association with the identification information regarding the desired conference
participants, whereby in a subsequent conference request the group name identifies all
the desired participants. However, Fitser teaches storing the group name in association
with the identification information regarding the desired conference participants whereby
in a subsequent conference request the group name identifies all the desired
participants (see Fig. 4, items 52, 56, 74 and Col. 2, lines 20-26). It would have been
obvious to one of ordinary skill in the art at the time the invention was made to
incorporate the teaching of Fitser into Henrikson's system to store the group name in
association with the identification information and to request the group name identifying
all the desired participants. The use of group name in conference call is extremely old
and well known in telecommunication field.

Regarding claim 8, Henrikson further teaches wherein receiving conference call parameter information comprises receiving a desired participant priority value regarding at least one desired conference call participant (Para 0022, Fig. 4. item 410).

Regarding claim 9, Henrikson further teaches wherein receiving conference call parameter information comprises: receiving at least one proposed conference call time (Para. 0029, Fig. 4. items 402, 408).

Regarding claim 10, Henrikson further teaches wherein receiving conference call parameter information comprises: receiving a purpose regarding the conference call (Para 0026, Fig. 2, item 210, Fig. 4. item 408).

Regarding claim 11, Henrikson further teaches wherein sending invitations comprises: sending SMS messages to user equipment of the desired participants (Para 0026, 0033).

Regarding claim 12, Henrikson further teaches wherein sending invitations comprises: sending synthesized voice announcements to user equipment of the desired participants (Para 0023, 0033).

Regarding claim 13, Henrikson further teaches wherein sending invitations comprises: sending a menu of proposed conference times (Para 0026).

Regarding claim 14, Henrikson further teaches wherein sending invitations comprises: sending a request for an alternative conference time proposal (Fig.4. item 408).

Regarding claim 15, Henrikson further teaches wherein sending invitations comprises: sending a request that proposed conference times be ranked according

to preference (Fig.4. item 408).

Regarding claim 16, Henrikson further teaches wherein attempting to schedule the conference call based on the received responses comprises:
searching for a proposed conference time acceptable to all of the desired conference participants (Fig.4. item 410).

Regarding claim 17, Henrikson further teaches wherein attempting to schedule the conference call based on the received responses comprises:
searching for a proposed conference time acceptable to a majority of the desired conference participants (Fig.4. item 406).

Regarding claim 18, Henrikson further teaches the method of claim 8 wherein attempting to schedule the conference call based on the received responses comprises:
searching for a proposed conference time acceptable to desired conference participants associated with a high priority (Fig.4. item 410).

Regarding claim 19, Henrikson further teaches a method operative to facilitate the establishment of a conference call through the services of a mobile network (Para 0013 and 0015 wireless network), the method comprising:

receiving a conference scheduling call from a conference call originator (Moderator), receiving identification information regarding desired conference call participants from the conference call originator receiving conference call parameter information from the conference call originator, sending invitations to the desired conference participants based on the identification information, the invitations including

response requests, wherein sending invitations comprises at least one of: sending synthesized voice announcements to user equipment of the desired participants, sending a menu of proposed conference times, sending a request for an alternative conference time proposal and sending a request that proposed conference times be ranked according to preference (see response to argument).

receiving responses from responding desired participants, attempting to schedule the conference call based on the received responses, notifying conference participants of the scheduled conference call time if the attempt to schedule the conference call is successful, attempting to placing calls to all the conference participants at or about the scheduled conference call time, and, interconnecting successfully completed calls (see Fig 2 and 4, paras 0022, 0026, 0027,0034).

notifying the conference originator if the attempt to schedule the conference call is not successful, receiving, at the MSC, a conference editing call from the conference call originator, receiving changes to at least one of identification information regarding the participants of the conference call and conference parameter information. Sending invitations to the desired conference participants based on the received changes, the invitations including response requests, receiving new responses from new responding desired participants, re-attempting to schedule the conference call based on the new responses, notifying conference participants of the scheduled conference call time if the re-attempt to schedule the conference call is successful, attempting to placing calls from the to all the conference participants at or about the scheduled conference call time, interconnecting successfully completed calls (see Fig. 2 and 4).

Henrikson does not teach the identification information includes a group name regarding the desired conference participants. However, Fitser teaches the above-mentioned limitation. Again, as claim 1, such a limitation is merely relevant to the old and well known methods of conference call.

Regarding claim 20, Henrikson further teaches sending reminder messages from the MSC to the conference participants prior to the scheduled conference call time (see Fig. 2 and 4)

Regarding claim 21, Henrikson further teaches wherein sending invitations comprises: sending SMS messages to user equipment of the desired participants (see Fig. 2 and 4).

Regarding claim 22, Henrikson further teaches wherein sending reminder messages comprise: sending synthesized voice messages to user equipment of the desired participants (see Fig. 2 and 4).

Regarding claim 23, Henrikson further teaches a system operative to facilitate the establishment of a conference call, the system comprising:

a conference request interface (Fig. 1, item 102) operative to communicate with a conference organizer (Fig. 1, item 114) to collect conference information including contact information regarding at least one desired conference participant and a set of conference parameters including at least one proposed conference time (see Para 0022); an invitation generator operative to receive the conference information collected by the conference request interface and generate invitations for the at least one desired

conference participant, the invitation including at least the at least one proposed conference time and requesting a response indicating at least an acceptance or rejection of at least one of the at least one proposed conference time (See Para 0022 0026 and 0034),

the invitation further including at least one of: a synthesized voice announcements to user equipment of the desired participants, a menu of proposed conference times, a request for an alternative conference time proposal and sending a request that proposed conference times be ranked according to preference (see response to argument).

a conference scheduler operative to note the reception or lack of reception of one or more responses from the at least one desired conference participant and to determine an optimum conference time based on information included in the one or more responses and schedule the conference for the optimum time; and,
a conference orchestrating operative to respond to an arrival of the scheduled conference time by orchestrating the placement of calls to conference participants and the interconnection of calls successfully placed (See Para 0022 0026 and 0034).

Henrikson does not teach a group name regarding the at least one desired conference participant. However, Fitser teaches a group name regarding the at least one desired conference participant (see Col. 4, lines 27-42). Again, as claim 1, such a limitation is merely relevant to the old and well known methods of conference call.

Regarding claim 24, Henrikson further teaches a conference calendar operative

to communicate with the conference request interface, invitation generator, conference scheduler and conference orchestrator for purposes of storing and providing scheduling information including the conference information, information in the invitation responses, information regarding the noted reception or lack of reception of one or more responses and alert the conference orchestrator of the arrival of the scheduled conference time (See Para 0022,0026, 0027 and 0034).

Regarding claim 25, Henrikson further teaches a network interface operative to provide communications services to the conference request interface, invitation generator, conference scheduler and conference orchestrator for communicating with the conference organizer, at least one desired conference participant, conference participants and a network for of components for receiving, placing and interconnecting calls (See Para 0022, 0027, 0026 and 0034)

Regarding claim 26, Henrikson further teaches the conference request interface is further operative to collect at least one conference participant priority value regarding at least one of the at least one desired conference participant and wherein the conference scheduler is further operative to determine an optimum conference time based on the at least one conference priority value (Fig. 4, item 410).

Regarding claim 27, Henrikson further teaches the invitation generator is further operative to generate invitations including a request for an alternate proposed conference time (Fig. 2, item 216).

Regarding claim 28, Henrikson further teaches the conference request interface is operative to communicate with the conference organizer to collect changes to the conference information (See Para 00223)

Regarding claim 29, Henrikson further teaches the conference scheduler is further operative to determine that an optimum conference time can not be determine based on information currently included in the one or more responses and to notify the conference organizer that further conference organizer input is required (Fig. 2, item 208).

Regarding claim 30, Henrikson further teaches a system operative to facilitate the establishment of a conference call, the system comprising:

means for receiving a conference scheduling call from a conference call originator (Fig 2, item 202);

means for receiving identification information regarding desired conference call participants from the conference call originator in the received conference scheduling (Fig. 2, item 204);

means for receiving conference call parameter information from the conference call originator in the received conference scheduling

means for sending invitations to the desired conference participants based on the identification information, the invitations including response requests;

wherein sending invitations comprises at least one of: sending synthesized voice announcements to user equipment of the desired participants, sending a menu of proposed conference times, sending a request for an alternative conference time proposal and sending a request that proposed conference times be ranked according to preference (see response to argument).

means for receiving responses from responding desired (See paras 0022, 0026, 0027 and 0034).

Henrikson does not teach the identification information includes a group name regarding the desired conference participants. However, Fitser teaches a group name regarding the desired conference participants (see Col. 3, lines 49-67). Again, as claim 1, such a limitation is merely relevant to the old and well known methods of conference call.

Response to Arguments

4. Applicant's arguments filed 3/24/2009 have been fully considered but they are not persuasive.

As to Applicant's Remarks, Applicant mainly argues that primary reference Henrikson does not disclose or suggest sending a menu or proposed conference times, sending a request for alternative conference time proposals or sending a request that

proposed conference times be ranked according to preference. Examiner respectfully disagrees for the following reasons. Henrikson does disclose sending a menu or proposed conference times sending a request for alternative conference time proposals or sending a request that proposed conference times be ranked according to preference (Para 0006, see "Based on availability, a conference time is selected. The participants are notified of the conference time and preferably have an opportunity to confirm availability at the conference time or suggest an alternate time. Once a conference time is determined, the resources necessary for the call are reserved for use").

Para. 0028, see "If the necessary information is received or after tentatively scheduling the conference call, then the conference setup is finalized".

Para. 0008, see "determine a commonly available time of participants for the conference, send to participants a notification of a conference time for the conference call".). Henrikson does notify the participants the first time, gives them the opportunity to confirm availability or suggest an alternate time, determines available time of participants and finalize the conference. Henrikson does have tentatively schedule and final schedule after receiving alternate availability time from the participants.

Applicant further argues that primary reference Henrikson does not disclose or suggest sending voice announcement to user equipment of the desired participants. Examiner respectfully disagrees for the following reason. Henrikson does teach sending voice announcement to user equipment of the desired participants (see claim 11, "In a telecommunication system that couples users for voice and multimedia

communication, an apparatus for scheduling conference calls comprising:.....send to participants a notification of a conference time for the conference call).

For the above reasons, Henrikson and Fitser are maintained for supporting the enclosed Examiner's final action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN L. LE whose telephone number is (571)272-7487. The examiner can normally be reached on Mon and Thurs: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karen L Le/
Examiner, Art Unit 2614

/Walter F. Briney III/
Primary Examiner, Art Unit 2614